

CITY OF SHIVELY
ORDINANCE NO. 1, SERIES 2023
AN ORDINANCE AMENDING CITY OF SHIVELY ORDINANCE NO. 12, SERIES
1972, SHIVELY CODIFIED ORD. §111.04(K), RELATING TO HOUSE TO HOUSE
SOLICITING IN THE CITY OF SHIVELY

WHEREAS, the City of Shively intends to amend its business licensing ordinance particularly as it relates to house to house soliciting, peddling and selling in the city, and

WHEREAS, the City of Shively believes it is in the best interest of the city to amend its house to house solicitation ordinance, now therefore:

BE IT ORDAINED BY THE CITY OF SHIVELY:

SECTION 1. City of Shively Ordinance No. 12, Series 1972 and codified Chapter 111, §111.04(K) of the City of Shively ordinances is hereby amended as follows:

(K) Each person, firm, organization, or corporation which intends to conduct business in the city by engaging [engages] in house to house soliciting, selling or peddling other than on regularly established routes, within the city shall first obtain a license therefor, and upon obtaining a business license shall notify the Shively City Clerk's Office those days upon which soliciting, selling or peddling shall occur and shall only engage in in soliciting, selling or peddling during the period from dawn until dusk within the city. [the cost of which shall be eighty-five (\$85.00) per day.]

SECTION 2. Penalty sections for late payments of fees and noncompliance are as follows:

§111.12 PENALTY FOR LATE PAYMENT – Any licenses, fees, or taxes due and not paid within thirty (30) days from the date due shall be assessed a penalty of ten (10%) percent of the fee or tax required for that particular business, occupation or profession which penalty, together with the regular fee or tax, shall be paid before the license is renewed.

§111.12 PENALTY –

- (A) Violation of this chapter shall constitute a criminal violation for which a citation may issue returnable to District Court with a fine to be assessed for each violation consistent with subsection (B) and (C) of this section, or at the option of the city, and in addition to the foregoing, a violation shall constitute a civil offense and shall be enforced pursuant to the provisions of Chapter 41.
- (B) Except as otherwise specifically provided herein, any person, firm, or corporation violating the provisions of this chapter shall be, upon conviction, guilty of a misdemeanor and fined not less than fifty (\$50.00) dollars or more than five hundred (\$500.00) dollars for each offense. Each day the person, firm, or corporation continues the violation shall constitute a separate offense.
- (C) Any official, agent, or employee of the city who divulges any information obtained the provisions of §111.13 except for the purposes of administering this chapter shall be guilty of a misdemeanor and, upon conviction, fined not less than fifty (\$50.00) dollars or more

than five hundred (\$500.00) dollars or punished by confinement for not more than thirty days (30), or both.

- (D) The civil penalty for violating this chapter shall not be less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1,000.00). Each day's violation shall constitute a separate offense. This chapter shall be subject to enforcement by the Code Enforcement Board of the city.

SECTION 3. If any provision of this chapter as now or later amended or its application to any person or circumstance is held invalid, the invalidity does not affect the other provisions that can be given effect without the invalid provision or application.

SECTION 4. This ordinance shall take effect from and after passage, approval and publication as required by law.

First Reading: February 6, 2023

Second Reading: February 20, 2023

Passed and Approved: February 20, 2023

Introduced by: Mr. Vincent

Maria D. Johnson

Attest: *Mitzi R. Kasitz*

Maria Johnson, Mayor

Mitzi R. Kasitz, City Clerk

Council	Yea	Nay
Ms. Bizzle	Absent	
Mr. Gibson	✓	_____
Ms. Thompson	✓	_____
Ms. Burton-McBroom	✓	_____
Mr. Vincent	✓	_____